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COMMERCE & TRANSPORT (COMMERCE) DEPARTMENT

NOTIFICATION

The 16th August 2007

No. 6875—Gen.(TEL)-06/2007-Com.—The proposal for levy of uniform license fee for installation of Telecom Towers and for laying optical fibre cables in different Urban Local Bodies in Orissa was under consideration of the Government for some time past, with a view to formulate detailed Guidelines for this purpose, Government in Commerce Department constituted a Technical Committee under the Chairmanship of the Chief Engineer, P. H. The Municipal Engineer of Bhubaneswar Municipal Corporation/Municipal Engineer, Cuttack Municipal Corporation/ Under-Secretary, H. & U. D./representative of BSNL/representative of Reliance were taken as Members of the Committee and the Deputy Secretary, Commerce was nominated as Member- Convener.

After detailed deliberations in the Committee meetings, recommendations containing model guidelines for issue of No Objection Certificate for establishment of Telecommunication infrastructure towers (Ground based towers/roof top towers/roof top poles) have been formulated exhaustively. The detailed guidelines are enclosed herewith vide Annexure 'A' & 'B' which clarify as to which certificates will be produced by Telecom Agencies including the non-refundable fees structure.

The Telecom agencies who apply for NOC shall be responsible for damages caused to person, buildings and other services due to structural failure or other reasons. The structures already constructed before the date of publication of this notification, without NOC from the concerned Urban Local Bodies can also be regularised on payment of prescribed fees within a period of two months from the date of publication of this notification. The license fee would be renewed every year on submission of prescribed application with required document and annual renewal fee.

Certain restrictions in granting permission to construct towers have also been outlined in the guidelines. For instance, within 100 meters of a monument declared by ASI or State Archaeology, within 100 meters radius from a high security zone/building within 50 meters from natural drainage channel, within the funnel zone of the Airport, no permission can be granted. It would be mandatory in all cases to instal lightening arrester, red light aviation lamp on the tower before starting operation. The NOC granted for erection of towers shall be cancelled if any deviation is found subsequently.

As regards procedure for obtaining NOC, the recommendations clearly stipulate that each Urban Local Body shall have a Single Widow System (SWS) for giving license to the Telecom

Service Providers. The Single Window System shall be under the Commissioner/Chief Executive Officer/Executive Officer of the ULB or any other Officer/ Municipal Engineer duly authorised by the ULB. The licensee/authorised service provider shall apply in the prescribed application form (Annexure I) with the required documents. On receipt of the application and after verification of the documents the Officer-in-charge of the SWS shall intimate the service provider within seven days for depositing the requisite fee by Demand Draft. It shall be mandatory on the part of the Officer-in -charge, SWS to issue NOC within three weeks from the date of application, subject to furnishing of all documents and prescribed fees. If the permission is not issued within the above time limit, where the application is correct in all respect, it will be treated as deemed permission. Same procedure shall be followed for renewal of license where the time limit for approval is 15 days from the date of receipt of application.

Similarly, the guidelines for streamlining the provision of right of way to Telecom Service licensees/ infrastructure providers along with form of application for approval of right of way for trenching and duct laying of optical fibre cables, agreement form, etc. have been outlined at Annexure 'B'.

The guidelines as enclosed with this notification should be followed by all Telecom Services providers and all Urban Local Bodies before issue of NOC for installation of Telecom Towers and for laying optical fibre cables in different Urban Local Bodies in Orissa.

This has been vetted by the Law Department vide their U. O. R. No. 867/L., dated the 24th May 2007, concurred in by the Finance Department vide their U. O.R. No. 255/W Fl., dated the 20th June 2007 and H. & U. D. Department vide their U. O. I. No. 852/PSHUD., dated the 20th July 2007.

By order of the Governor
PRIYABRATA PATNAIK
Principal Secretary to Government

GUIDELINES FOR ISSUE OF NO OBJECTION CERTIFICATE FOR ESTABLISHMENT OF TELECOMMUNICATION INFRASTRUCTURE TOWER [GROUND BASED TOWERS (GBT)/ROOF TOP TOWERS (RTT)/ROOF TOP POLES (RTP)]

1. Location & Structure :

Following provisions shall apply for infrastructures within the jurisdictions of different ULBs.

- (a) Location —The Telecommunication Infrastructure Tower (TIT) shall be permitted for construction either on the building roof tops or on the ground or open space within the premises. Such constructions on roof tops shall be permitted only if the concerned building has been constructed as per the approved building plan.
- (b) Type of structure (GBT/RTT) —
 - (i) Steel fabricated tower (for GBT & RTT) or antennae on MS Pole (for RTP)
 - (ii) Pre-fabricated shelters of fiberglass or PVC on the building roof top/terrace for equipment.
 - (iii) Masonry structure/shelter on the ground for equipment.
 - (iv) D. G. Set with soundproof cover to reduce the noise level.
- (c) Certificate to be produced —
 - (i) For the superstructure of GBT & RTT, Structural Safety Certificate from the Tower Testing & Research Station, Structural Engineering Research Centre (SERC), Chennai (Council of Scientific & Industrial Research), CSIR Campus, Taramani, Chennai-600113.
 - (ii) Structural Stability Certificate from the registered structural engineer in respect of the building for RTT and foundation of GBT, for RTP, necessary safety certificate from registered structural engineer.
 - (iii) For Roof Top Towers, the structural stability/safety certificate of the building shall be countersigned by the house owner.
 - (iv) NOC from National Airport Authority for erection of tower within flying zone/funnel zone (wherever required).
 - (v) Permission from the “ Standing Advisory Committee on Radio Frequency Allocation” (SACRFA) issued by Ministry of Telecommunication shall be furnished before the 1st renewal of license by the ULB.
- (d) Projection —No TIT shall project beyond the existing building line of the building on which it is erected in any direction.
- (e) Structural Safety — TIT shall be structurally safe to withstand earthquake, cyclone and flood.
- (f) Height —Subject to height restrictions of local Airport Authority and Archaeological Survey of India, the Licensing Authority shall examine case-to-case basis and shall allow such height as per the situation and location of the proposed TIT.
- (g) Open Space to be provided around tower —The minimum open space to be provided around the GBT from the edge of the proposed TIT shall be at least 3 Mtrs. Similarly, RTT should be centrally (with reference to the building proper) erected. Erection of RTT at the corner shall be avoided.

- (h) Departure from approved structure—The ULB is empowered to prohibit from erecting any TIT and shall demolish any existing TIT after serving required notice, if the same is found to be constructed violating the Regulations in force.

2. Application Form :

The application seeking permission for erection and maintenance of TIT shall be in Form as at Annexure I. It shall accompany the following documents, namely:—

- (a) Four copies of the plan of the structure and building;
- (b) Site Layout Plan;
- (c) One copy of approved plan of building;
- (d) Copy of Agreement between the Company and the house/land owner;
- (e) Structural stability certificate from the SERC & registered structural engineer in respect of the proposed tower and the building;
- (f) NOC from Local Airport Authority wherever required;
- (g) NOC from A.S.I. if the plot is located in the heritage zone or within 300 meters radius from the boundary of the monument declared by ASI/State Archaeology;
- (h) Copy of license & Article of Association;
- (i) Power of attorney of the authorized signatory;
- (j) The applicant shall take out a comprehensive “Insurance Policy” covering the structure along with all other appurtenances for any risk/damage that may be caused persons, buildings services and public property, due to any manmade and/or natural disasters/unforeseen contingencies;
- (k) Any other certificate/NOC required by the authority from time to time due to any change in law.

3. Fees :

The fee structure (non-refundable) for permission to erect and operate TIT shall as per table below :—

Sl. No.	Type of ULB	License fee (Rs.)	Annual renewal fee (Rs.)
(1)	(2)	(3)	(4)
1	Municipal Corporations	10,000.00	1,000.00
2	Municipalities	10,000.00	1,000.00
3	Notified Area Councils	10,000.00	1,000.00

4. Duration of permission :

The permission to construct TIT shall be valid for one year from the date of permission. If the TIT is not constructed within one year of permission, it shall be deemed as cancelled.

5. Responsibility of the service provider :

- (a) The applicant shall be responsible for damages caused to persons, buildings and other services due to structural failure of the structure or any other reasons.

- (b) The applicant shall take out a comprehensive "Insurance Policy" covering the structure along with all other appurtenances for any risk/damage that may be caused to persons, buildings, services and public property, due to any manmade and/ or natural disasters/unforeseen contingencies.
- (c) This insurance cover would be a necessary condition for grant of permission to erect and operate TIT.
- (d) Further, at the time of annual renewal, the service providers shall satisfy the ULB that the insurance cover for that renewal year has also been fully taken out.

6. Regularization/Compounding :

The structures already constructed without NOC from the concerned ULB prior to coming into force of this guidelines, may be regularized on payment of Rs. 5,000 + the requisite fee for issue of NOC provided all other conditions are fulfilled.

7. Renewal of License :

The Renewal of License shall be done every year on submission of prescribed application (Annexure II) with required documents & annual renewal fee as stipulated at Clause 3 before one month of expiry of the license. The concerned ULB shall sanction the same within 15 days of receipt of application but in no case later than the expiry date. In case the service provider fails to apply for renewal of license in time, penalty at the rate of Rs. 100/month of delay shall be levied in addition to the renewal fee. The renewal clause shall be also applicable to the towers which are regularised as per Clause 6.

8. Restriction :

(1) The permission to construct TIT shall not be given in cases where the proposal is submitted for construction:—

- (a) within 100 Mtrs. of a monument declared by ASI or State Archaeology;
 - (b) within 100 Mtrs. radius from a high security zone/ building etc;
 - (c) within 50 Mtrs. from a Natural drainage channel;
 - (d) within the funnel zone of the Airport, unless otherwise necessary clearance is obtained from the local Airport Authority;
 - (e) within 100 Mtrs. from the center of N. H. on either side;
 - (f) within 100 Mtrs. from the boundary of the railway track; and
 - (g) not on authorized and approved buildings.
- (2) It is mandatory in all cases to install lightening arrestor, red light, aviation lamp on the TIT before starting operation. The TIT shall be properly painted.
- (3) The NOC granted for erection of TIT shall be cancelled if any deviation is found subsequently.
- (4) The period of validity of License issued by the ULB shall be coterminus with the validity of license.
- (5) After the termination/ expiry of the license, the licensee shall remove the TIT within one month from the date of expiry of the license.

9. Procedure for obtaining NOC :

- (i) Each ULB shall have a Single Window System (SWS) for giving license to Telecom Service providers. The Single Window System shall be under the Commissioner/ Chief Executive Officer/Executive Officer of the ULB or any officer/ Municipal Engineer duly authorized by the ULB. The licensee/authorized service provider shall apply in the prescribed application form (Annexure I to this Guidelines) duly filled in along with all required documents as specified in the above guidelines to the concerned ULB in the designated Single Window System.
- (ii) On receipt of the application & after verification of the documents, the Officer-in-Charge of the SWS shall intimate the applicant within not exceeding seven days from the date of application for depositing the requisite fee by Demand Draft on any Nationalised Bank payable at the respective town.
- (iii) It shall be mandatory on the part of the Officer-in-Charge of the SWS to issue NOC within three weeks from the date of application subject to furnishing of all documents & prescribed fees. If the permission is not issued within the above time limit, it will be treated as deemed permission.
- (iv) Same procedure as above shall be followed for renewal of license with time limit for approval is 15 days from the date of receipt of application by the ULB.

If any other documents are necessary for issue of permissions, the same should be notified to the respective company in writing within such time frame so as to facilitate the issue of permission within the prescribed time limit set above.

FORM OF APPLICATION FOR NOC/PERMISSION FOR INSTALLATION OF GROUND BASED TOWERS/ROOF TOP TOWERS/ROOF TOP POLES

Date.....

Location.....

1. Name of the Company :
Address :
- Registered Office :
2. Name of ULB :
3. Location of proposed Tower :
4. Location details : (GBT/RTT/RTP)
Land size..... Plot No.....
Khata No.....
Mouza..... Dist.....
5. Ownership details (Land/Building) : Agreement No. Date.....
Copy of lease deed/purchase records
If furnished : Yes/No
6. Tower Height and type of Station :
7. List of Documents required:—
 - (a) Four copies of the plan of the structure and building site plan
 - (b) One copy of approved plan of building
 - (c) Copy of Agreement between the Company and the house/land owner
 - (d) Structural stability certificate from the SERC & registered structural engineer in respect of the proposed tower and the building.
 - (e) NOC from Local Airport Authority wherever required
 - (f) NOC from A.S.I. if the plot is located in the heritage zone or within 300 meters radius from the boundary of the monument declared by A.S.I./State Archaeology.
 - (g) Any other certificates/NOC required by the authority from time to time
 - (h) Copy of the license & Articles of association
 - (i) Power of attorney of the authorized signatory

Certified that all the information/documents furnished above are authenticated and true to best of my knowledge.

Signature of Authorised Signatory
Designation :

**FORM OF APPLICATION FOR ANNUAL RENEWAL OF NOC/PERMISSION
FOR GROUND BASED TOWERS/ROOF TOP TOWERS/ROOF TOP POLES**

Date.....

Location.....

1. Name of the Company :
Address :
- Registered Office :
2. Name of ULB :
3. Location of Tower :
4. Location details : (GBT/RTT/RTP)
Land size..... Plot No.....
Khata No.....
Mouza..... Dist.
5. Tower height and type of station :
6. Ownership details(Land/Building) : Agreement No..... Date.....
Copy of lease deed/purchase records
If furnished : Yes/ No.
7. Details of original sanction order for NOC & subsequent renewal details if any :
8. Year for which annual renewal is required :
9. Prescribed annual renewal fee (in shape of D.D. payable in any Nationalized Bank in the concerned ULB.) :
10. List of Documents required:—
 - (a) Copy of Agreement between the Company and the house/land owner
 - (b) Copy of the valid license issued by the Telecom Authority of Govt. of India
 - (c) Details of any changes in articles of association
 - (d) Power of attorney of the authorized signatory
 - (e) A annual routine maintenance certificate given details of the routine maintenance done in the previous year & the physical status of the tower.
 - (f) Any other certificates/NOC required by the authority from time to time.

Certified that all the information/documents furnished above are authenticated and true to best of my knowledge.

Signature of Authorised Signatory
Designation :

GUIDELINES FOR STREAMLINING THE PROVISION OF RIGHT OF WAY TO TELECOM SERVICE LICENSEES/INFRASTRUCTURE PROVIDERS

The Technical Committee has recommended the following broad guidelines under which Right of Way (ROW) permissions may be granted to licensed telecom operators and registered infrastructure providers for laying telecom cables/ducts under, over, along, across, in or upon a property vested in or under the control or management of an ULB or of any other person in their respective licensed service area during the currency of their license.

1. Any authorized licensee of Department of Telecom/Registered Infrastructure Provider is eligible to seek /avail ROW facility/permission. However, enforceability of the permission so granted shall be restricted to the extent of provisions/scope of service contained/defined in the license agreement of that licensee and for the purpose for which it is granted.
2. Either by content or by intent, the purpose of extending ROW facility is not to enhance the scope of license of a licensee and such ROW permissions are only enabling/facilitating in nature.
3. The cable shall ordinarily be laid at the edge of the ROW or at a minimum distance of 10m from the center line of the nearest carriageway where the road land is wider. In case of restricted width of ROW, which may be adequate only to accommodate the carriageways, central verge, shoulders, slopes of embankment and drains, the cables shall be laid beyond the toe line of the embankments and clear of the drain. In cases of roads spanning from berm to berm, the cable shall be laid below the road at extreme edge clear of drain. In cases where no land strip can be conveniently earmarked for laying of cables, the permission may be refused after verification of site.
4. The facility of ROW for laying underground telecom cables, shall be available to all licensees (irrespective of existing or future) and registered/licensed infrastructure providers, without discrimination and without payment of any compensatory charges/levy/lease rentals/license fee/free bandwidth/revenue share/cashless equity etc. subject to the condition that this ROW facility shall be available to licensees to the extent of provisions contained in their license agreements and the reinstatement charges shall be borne by such licensees.
5. A performance bank guarantee on any Nationalised Bank in Orissa pledged to the concerned ULB @ Rs.15 per route meter with validity of one year initially (extendable if required till satisfactory completion of work) shall have to be furnished by each licensee as a security against improper filling/unsatisfactory compaction/restoration and damages caused to other underground installations/utility services & interference, interruption, disruption or failure caused thereof to any services. The above charge of Rs. 15/m is liable to be reviewed every 5 years. Notwithstanding this, licensee shall be liable to pay full compensation to the aggrieved owners for any damage sustained by them by reason of the exercise of ROW facility. The performance bank guarantee shall be released to the company within two weeks of successful completion of the work.

6. In addition to furnishing the said bank guarantee, the payment of restoration charges would have to be made in advance by the licensee to the owner i.e. ULB before permission is granted. The restoration charges for different type of roads (Earthen, WBM, BT & Concrete), berm and other formations may be paid to ULB by Demand Draft after approval of estimate at current Schedule of Rate of Works Department by the Municipal Engineer of the ULB.
In addition, the non-refundable license fee of Rs. 10 per running meter shall be payable to the ULB as a fee. This shall be reviewed once in every five years.
7. In order to expedite ROW clearances to the licensees in a time bound manner through an appropriate and effective approval mechanism, a single window to be functioned in each ULB headed by the Municipal Engineer to co-ordinate all activities in this regard. The Director, Municipal Administration shall monitor the clearances made by single window clearance system.
8. The ROW permissions may be granted by the said ULB to a licensee within a period of two weeks subject to the licensee's application being complete with route details (including authority/ownership of concerned sections of the route) and compliance to eligibility requirement, payment of reinstatement charges, furnishing of requisite bank guarantee and execution of an agreement having operational details. The above stated single window clearance system of ULB may be responsible to co-ordinate in case of any dispute for ownership of property and to expedite grant of ROW clearance thereof so as to adhere to the stipulated time frame.
9. In case any shifting or alteration in the position of the laid telephone cables is required due to widening of roads and constructing of flyovers or bridges, the licensee shall do the same at his own cost at a later date within specified period indicated by the respective agency.
10. In order to avoid repeated digging on the same routes, if possible, the first incumbent is free to lay voluntarily extra ducts/conduits with extra capacity so as to take care of future needs. The capacity/excess capacity can be commercialized by the incumbent with suitable mutual agreements with the respective ULBs. However, the creation of excess capacity by the first incumbent shall not be a pre-condition for giving ROW clearances. The ULB authorities may consider laying ducts/conduits at the time of construction of roads of facilitate laying telephone cables for which suitable charges could be imposed.
11. Licensee shall ensure safety and security of all underground installations/utilities/facilities and shall be solely responsible for compensation/indemnification of concerned authority for damage caused/claims or replacements sought for at the cost and risk of licensee.
12. Licensee shall be liable to give a notice of 15 days with route details prior to trenching for fresh or maintenance/repair works. A separate performance bank guarantee for maintenance/repair works shall be furnished by licensee.

13. The period of validity of ROW permission shall be coterminus with the validity of license.
14. Procedure for obtaining ROW permit :

- (i) Each ULB shall have a Single Window System (SWS) for giving license to telecom service providers. The Single Window System shall be under the Commissioner/ Chief Executive Officer/Executive Officer of the ULB or any officer/Municipal Engineer duly authorized by the ULB. The licensee/authorized service provider shall apply in the prescribed application form (Annexure-I to this Guidelines) duly filled in along with all required documents, estimate for restoration charges & performance bank guarantee as specified in the above guidelines to the concerned ULB in the designated Single Window System.
- (ii) On receipt of the application and after verification of the documents, the Officer-in-Charge of the SWS shall intimate the applicant within not exceeding seven days from the date of application for depositing the restoration charges by Demand Draft on any Nationalised Bank payable at the respective town.
- (iii) It shall be mandatory on the part of the Officer-in-Charge to grant the ROW permit within three weeks from the date of application subject to furnishing of all documents, performance guarantee and restoration charges & signing of prescribed agreement (Annexure-II to this Guidelines). If the permission is not issued within the above time limit, it will be treated as deemed permission.

If any other documents are necessary for issue of permissions, the same should be notified to the respective company in writing within such time frame so as to facilitate the issue of permission within the prescribed time limit set above.

**FORM OF APPLICATION FOR APPROVAL OF RIGHT OF WAY FOR
TRENCHING AND DUCT LAYING OF OPTICAL FIBER CABLES (OFC)**

Date.....

Location.....

1. Name of the Company :
Address :
- Registered Office :
2. Owner/Authority of ROW :
3. Name of Road/Stretch of Proposed :
Laying of OFC Municipal Road/PWD/NH
4. Length of Stretch of Road for laying :
5. Route survey/sketch plan of proposed : Yes/No
route if enclosed.
6. Type of specification of Road :
(BT/WBM/Concrete/Berm/Earthen/Roadside land)
7. Section of Trench proposed :
(BT/WBM/Concrete/Berm/Earthen/Roadside land)
8. No. of crossroad cutting required with : Yes/No
type of road.
9. Estimated cost at current Schedule :
of Rates.
10. Mode for deposit of cost with ULB : DD
11. Back filling to be done by applicant : Yes/No
12. Details of performance bank guarantee :
13. List of Documents :
 - (a) Copy of the license
 - (b) Article of associations
 - (c) Route sketch with specifications
 - (d) Estimate
 - (e) Performance bank guarantee
 - (f) Power of attorney of the authorized signatory

Certified that all the information/documents furnished above are authenticated and true to best of my knowledge.

Signature of Authorised Signatory
Designation :

AGREEMENT REGARDING RIGHT OF WAY FOR LAYING
TELECOM CABLES/DUCTS

This agreement made this.....day of.....(month) of.....(year) BETWEEN (the concerned ULB).....acting in his executive capacity through(hereinafter referred to as owner which expression shall, unless excluded by or repugnant to the context, include his successors in office and assigns) on the one part AND M/sa company registered under the Companies Act, 1956 and having its Registered Office at.....(hereinafter called the licensee) which expression shall, unless excluded by or repugnant to the context, include his successors or administrators or assignees on the other part.

Whereas, the owner is responsible, *inter alia*, for development and maintenance of roads in.....

And, whereas, the licensee proposes to lay telecom cables/ducts in.....,

And, whereas, the licensee has applied to the owner for permission to lay telecom cables/ducts from.....tofor a length.....Mtr. of road/route up to.....and from.....to.....Mtr. of road/route up to.....;

And, whereas, the owner has agreed to grant such permission on the terms and conditions hereinafter mentioned.

Now, this agreement witnesses that in consideration of the conditions hereinafter contained and on the part of the licensee to be observed and performed, the owner (concerned ULB) hereby grants to the licensee permission to lay telecom cables/ducts as per the approved drawing attached hereto subject to the following conditions namely :—

1. The cable shall ordinarily be laid at the edge of the Right of Way (ROW) or at a minimum distance of 10m from the center line of the nearest carriageway where the road land is wider. In case of restricted width of ROW, which may be adequate only to accommodate the carriageways, central verge, shoulders, slopes of embankment and drains, the cables shall be laid beyond the toe line of the embankments and clear of the drain. In case of roads spanning from berm to berm the cable shall be laid below the road at extreme edge clear of drain.
2. The top of the casing or conduit pipe containing the cables shall be at least 1.2 m below the surface of the road subject to being at least 0.3m below the drain inverts.
3. The licensee shall ensure making good the excavated trench for laying cables by proper filling and compaction, so as to restore the land into the same condition as it was before digging the trench, clearing debris or loose earth produced due to executing of trenching at least 50m away from the edge of the right of way.
4. The licensee shall furnish a bank guarantee for an amount calculated @ Rs. 15 (Rupees fifteen) only per route meter to the owner, for a period of one year initially (extendable if required till satisfactory completion of work) as a security for ensuring or making good the excavated trench for laying the cables/ducts by proper filling and compaction, clearing, debris or loose earth produced due to execution of trenching at least 50m away from the edge of the right of way. The above charge of Rs. 15 per meter is liable to be reviewed in

every 5 years. No payment shall be made by the owner to the licensee for clearing debris or loose earth. In case the work contemplated herein is not completed to the satisfaction of the owner, which has granted the permission, within a period of 11 months from the date of issue of the bank guarantee, the licensee shall either furnish a fresh guarantee or extend the guarantee for a further period of one year. In case of the Licensee failing to discharge the obligation of making good of the excavated trench, the owner shall have a right to make good the damages caused by excavation, at the cost of the licensee and recover the amount by forfeiture of bank guarantee. The performance bank guarantee shall be released to the licensee within two weeks from the successful completion of the work.

5. The licensee shall make his own arrangement for crossing of cross drainage structure, rivers, etc. below the bed. In case, this is not feasible, the cables or ducts may be carried outside the railings or parapets and supported on brackets fixed to the outside of the bridge superstructure. The fixing and supporting arrangement with all details be got approved in advance from the concerned owner which has granted such permission. Additional cost on account of fixing and supporting arrangement as assessed by the owner shall be payable by the licensee.
6. The licensee shall shift the cables or ducts within 90 days (or as specified by the respective agency or owner) from the date of issue of the notice by the concerned owner to shift or relocate the cables or ducts, in case it is so required for the purpose of improvement or widening of the road or route or construction of flyover or bridge and restore the road or land to its original condition at his own cost and risk.
7. The licensee shall be responsible to ascertain from the respective agency in co-ordination with owner, regarding the location of other cables, underground installations or utilities or facilities, etc. The licensee shall ensure the safety and security of already existing cables or underground installations or utilities or facilities, etc. before commencement of the excavation.
8. The licensee shall be solely responsible or liable for full compensation or indemnification of concerned agency or aggrieved owners for any direct, indirect or consequential damage caused to them or claims or replacements sought for at the cost and risk of the licensee. The concerned agency in co-ordination with owner shall also have a right to make good such damages or recover the claims by forfeiture of bank guarantee.
9. If the licensee fails to comply with the condition at clause (6) and (7) above to the satisfaction of the owner, the same shall be got executed by the owner at the cost and risk of the licensee.
10. The licensee shall procure insurance from reputed insurance company against damages to already existing cables or underground installations or utilities or facilities, etc. during trenching.
11. The licensee shall avoid cutting of the road for crossing highway and other roads belonging to other Departments like Rural Development, National Highway Authority and Public Works Department. In such cases, where cutting of roads of other Department is

necessary, the same shall be done with due permission from the concerned Department as per their guidelines or specification as applicable.

12. The licensee shall inform or give a notice to the concerned agency designated by owner at least 15 days in advance with route details prior to digging trenches for fresh or maintenance or repair works. A separate performance bank guarantee for maintenance or repair works shall have to be furnished by the licensee.
13. Each day, the extent of digging the trenches should be strictly regulated so that cables are laid and trenches filled up before the close of the work that day. Filling should be completed to the satisfaction of the concerned agency designated by the owner.
14. The licensee shall indemnify the concerned agency in co-ordination with owner, against all damages and claims, if any, due to the digging of trenches for laying cables or ducts.
15. This permission shall be coterminous with the validity of license awarded by the Department of Telecommunications. The permission granted under this agreement will automatically cease in case of premature termination of the license granted to by the Department of Telecommunications. The owner also has a right to terminate the permission or to extend the period of agreement. In case the licensee wants shifting, repairs or alteration to telecom cables or ducts, he will have to furnish a separate bank guarantee.
16. That the licensee shall not without prior permission in writing of the concerned agency in co-ordination with owner, undertake any work of shifting, repairs or alterations to the said telecom cables or ducts.
17. In order to avoid repeated digging on the same routes, if possible, the licensee is free to lay voluntarily extra ducts or conduits with extra capacity so as to take care of future needs. The capacity or excess capacity can be commercialized by the licensee with suitable mutual agreements with the owner or his designated agency. However, the creation of excess capacity by the licensee is not a pre-condition for right of way permission granted herein.
18. The permission granted shall not in any way be deemed to convey the licensee any ownership right or any interest in route or road or ULB land or property, other than what is herein expressly granted.
19. During the subsistence of this agreement, the telecom cables or ducts located in ULB land or property shall be deemed to have been constructed and continued only by the consent and permission of the owner so that the right of the licensee to the use thereof shall not become absolute and indefeasible by lapse of time.
20. The licensee shall bear the stamp duty charged on this agreement.
21. The Telecom cables shall not be brought into use by the licensee unless a completion certificate to the effect that the Telecom cables or ducts has been laid in accordance with the approved specifications and drawings and that the trenches have been filled up to the satisfaction of the concerned agency in co-ordination with the owner, has been obtained.

22. Notwithstanding anything contained herein this agreement may be cancelled at any time by the owner for breach of any condition of the same and the licensee shall neither be entitled to any compensation for any loss caused to it by such cancellation nor shall it be absolved from any liability already incurred.
23. The licensee shall have to provide barricading, danger lighting and other necessary caution boards while executing the work.
24. If any traffic diversion works are found necessary during the working period such diversion shall be provided at the cost of the licensee.
25. After the termination or expiry of the agreement, the licensee shall remove the cables or ducts within 90 days and the site shall be brought back to the original condition failing which the licensee will lose the right to remove the cables or ducts. However, before taking up the work of removal of cables the licensee shall furnish a bank guarantee to the owner for a period of one year for an amount assessed by the owner for making good the excavated trench by proper filling and compaction, clearing debris, loose earth produced due to excavation of trenching at least 50m away from the edge of the ROW.
26. The enforceability of the ROW permission granted herein shall be restricted to the extent of provisions or scope of service contained or defined in the license agreement of the licensee with Department of Telecommunications and for the purpose for which it is granted. Either by content or by intent, the purpose of.
27. Any disputes in interpretation of the terms and conditions of this agreement or their implementation shall be referred to the high level committee chaired by the Collector of the concerned district, the representative of ULB, licensee and the concerned agencies and the decision of the committee shall be final and binding on all.

This agreement has been made in duplicate, each on a Stamp Paper. Each party to this agreement has retained one stamped cost each.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE CAUSED THIS AGREEMENT TO BE EXECUTED THROUGH THEIR RESPECTIVE AUTHORISED REPRESENTATIVES ON THE DAY AND THE YEAR FIRST ABOVE WRITTEN.

SIGNED, SEALED AND DELIVERED FOR AND ON BEHALF OF THE OWNER.

By Shri
(Signature, name and address with stamp)

Witnesses —
1.

SIGNED ON BEHALF OF M/s.

(Licensee)

Address

2.

By Shri

Address

(Signature, name and address with stamp)

HOLDER OF GENERAL POWER OF ATTORNEY DATED EXECUTED IN ACCORDANCE
WITH THE RESOLUTION No. DATED PASSED BY THE
BOARD OF DIRECTORS IN THE MEETING HELD ON.

[IN THE PRESENCE OF WITNESSES]

Witness—

1.

Address

2.

Address